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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Benvenisty, N.

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Date Filed: July 31, 2001

Examiner: Crouch, D.

Invention: **Directed Differentiation of Embryonic Cells**

Date: December 5, 2003

CERTIFICATE OF MAILING

I hereby certify that this document, along with any other papers referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 5, 2003.

Charlton Shen

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUMMARY OF TELEPHONE INTERVIEW OF NOVEMBER 10, 2003

Dear Madam:

In accord with 37 C.F.R. § 1.133(b), the Applicant provides the following summary of a telephone interview between Examiner Deborah Crouch and Dr. Harriett Strimpel and Dr. Charlton Shen, attorneys representing the Applicant, at 10:00AM on November 10, 2003.

The Examiner pointed out that independent claim 8 did not distinguish between *in vivo* and *in vitro* differentiation. The Examiner also indicated placing an *in vitro* limitation into claim 8 would satisfactorily address this issue.

The Examiner and the representatives agreed that the issue is that human embryonic stem cells cannot be reasonably expected to form embryoid bodies using techniques that succeeded with murine embryonic stem cells. The representatives pointed to publications (e.g., Reubinoff, et al. (reference AW in

the Applicant's IDS)) showing the failure of a murine embryoid body forming technique when applied to human and primate embryonic stem cells.

Respectfully submitted,



Charlton Shen
Registration No. 54,442
Attorney for Applicant

BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110-1618
(617) 443-9292

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